



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen J. Brown Attorney Docket No. HERO-1-1018
Previous Atty. Docket No. HHN-015
Serial No.: 09/216,012 Group Art Unit: 2764
Filed: December 16, 1998 Examiner: Chung, C.
Title: TREATMENT REGIMEN COMPLIANCE AND EFFICACY WITH
FEEDBACK

TERMINAL DISCLAIMER
UNDER 37 CFR § 1.321 (b) AND (c)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir,

I, Michael S. Smith, represent that I am the agent of record for this invention.

The Assignee is:

Name of assignee: Health Hero Network
Address of assignee: 2570 West El Camino Real
Suite 111
Mountain View, CA 94040

Assignment recorded in PTO on REEL/FRAAME: 9742/0964.

The owner, Health Hero Network, of 100 percent of the interest in the above captioned application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 5,960,403 and 5,899,855. The assignee hereby agrees that any patent granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly assigned. This agreement runs with any patent granted on the above captioned application and is binding upon the grantee, its successors or assigns.

RECEIVED
MAY -9 2000
TC 2700 MAIL ROOM

01/05/2001 10:00:00 00000170 00000000

01/05/2001 10:00:00 00000170 00000000
HERO-1-1018 Terminal Disclaimer

BLACK LOWE & GRAHAM^{PLC}

816 Second Avenue
Seattle, Washington 98104
206.381.3300

1 In making the above disclaimer, the assignee does not disclaim the terminal part of any patent granted
2 on the above captioned application that would extend to the expiration date of the full statutory term as
3 defined in 35 USC 154 to 156 and 173 of the prior patents, as presently shortened by any terminal
4 disclaimer, in the event that it later; expires for failure to pay a maintenance fee, is held unenforceable, is
5 found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally
6 disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in
any manner terminated prior to the expiration of its full statutory term ass presently shortened by any
terminal disclaimer.

7 I hereby declare that all statements made herein of my own knowledge are true and that all statements
8 made on information and belief are believed to be true; and further that these statements were made with the
9 knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or
10 both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may
11 jeopardize the validity of the application or any patent issued thereon. See copy of Revocation and Power
of Attorney filed in a commonly assigned application.

Fee Status:

12 The small entity Terminal Disclaimer Fee of \$55.00 under 37 CFR§1.20(d) is enclosed.
13 (Check No. 1925).

14 Respectfully submitted,

15 Agent: Michael S. Smith

Michael S. Smith

16 Registration No.: 39,563

17 Date: 4-11-00

18 Post Office Address: 816 Second Ave.

Seattle, WA 98104

19 Phone Number: (206) 381-3300